

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P030480T-6/45	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003972	International filing date (day/month/year) 15.04.2004	Priority date (day/month/year) 29.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant CONTRACO CONSULTING & SOFTWARE LIMITED		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 4-7, 9	YES
	Claims	1, 3, 8, 10	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

- D1: US-B-6 493 7031 (GROSS J NICHOLAS ET AL), 10
December 2002
- D2: ROCHA L M: "Adaptive Webs for Heterarchies with
Diverse Communities of Users", WORKSHOP FROM
INTELLIGENT NETWORKS TO THE GLOBAL BRAIN:
EVOLUTIONARY SOCIAL ORGANIZATION THROUGH KNOWLEDGE
TECHNOLOGY, 3 July 2001, pages 1-35
- D3: WO 02/08962 A (ENERGY E COMM COM INC), 31 January
2002

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 8, and of dependent claims 3 and 10, is not novel (PCT Article 33(2)), and the subject matter of dependent claims 2, 4-7 and 9 does not involve an inventive step (PCT Article 33(3)).

I. Document D1 discloses the following process (the references in parentheses relate to the corresponding passages in document D1):

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citations and explanations supporting such statement

a process for producing short data sets from data sets (column 6, lines 43-45: *"a context extraction program locates and extracts selected information from one or more remote online network servers..."*) in the World Wide Web (column 4, line 66 - column 5, line 5: *"an online data service that includes intelligent data content gathering, storage and retrieval..."* and column 9, lines 35 and 36: *"The content is extracted from these sources according to a set of rules..."*). The disclosed process clearly relates to the production of a data base for ulterior search queries.

The following passages (column 6, lines 40-59, underlining by the examiner) highlight the fact that the process described does not relate to the actual carrying out (online) of search queries but to the optimised preparation of ulterior search queries, and hence to a process which corresponds to the present invention: *"In this system, a content extraction program locates and extracts selected information from one or more remote online network servers, based on search criteria specified by an operator of the message board system"...*, and *"This results in a plurality of data files of sorted information items...Thereafter, information items can be located and reviewed by subscribers through subscriber queries..."*

Moreover, it is clearly pointed out in column 8, lines 22-40, that a "predefined collection" of information is produced (*"Community search robots 231 and customized search robots 232 help build predefined collections of message postings from such raw content, based in*

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

accordance with broad and narrow guidelines...") .

The following passage (column 10, lines 15-19) also makes it unquestionably clear that the basic concept of the invention described in D1 is the production and continuous filling and updating of a data bank with short data sets, rather than the actual, user-initiated search for information in the already indexed data bank: *"This process is dynamic, iterative, and continuous, so that a number of community/custom search robots may be simultaneously parsing database 270 to create, update or remove their associated subject matter area/class/subclass indices."*

In particular, the system resources of the system used, i.e. the data sources searched by the "search robot" and from which the short data sets are produced, are distributed taking into account experience values determined from previous search queries (column 6, lines 63-66: *"A prioritization scheme for retrieving content is also preferably correlated with a frequency of occurrence of subject categories used in subscriber messages and/or subscriber queries..."*; and column 10, lines 33-39: *"search robots also have the capacity to be programmed with feedback information gleaned concerning the interests of users of the online service as they post entries..."*).

In short, in the process described in document D1 for producing short data sets, the choice of data sources to be searched, and hence also of the system resources used by the "search robots" used for producing short data sets, are influenced by the queries and behaviour of

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

service users, in such a way that the process yields a data bank of short data sets oriented according to user interests and sensitive to changes in the relevant themes and interests (see, in particular, also column 19, "*Operation of Content Collection and Posting System*").

Consequently, document D1 discloses all the technical features of independent claims 1 and 8, and the subject matter of these claims cannot be considered novel (PCT Article 33(2)).

Likewise, document D1 discloses in the above-mentioned passages the subject matter of claims 3 and 10, and the subject matter of these claims cannot be considered novel (PCT Article 33(2)).

II. The subject matter of dependent claims 2, 4-7 and 9 does not involve an inventive step (PCT Article 33(3)).

1. The technical features in dependent claims 2 and 9, i.e. the consideration of search queries made during a time period and the generation of a corresponding characteristic number, must be regarded as implementation details which a person skilled in the art of information collection from the World Wide Web would add to the process described in point I above, according to the circumstances, without being inventive.

Consequently, claims 2 and 9 do not meet the requirements of PCT Article 33(3) for inventive step.

2. As discussed in point I above, document D1 is

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regarded as the prior art closest to the application.

The subject matter of claims 4 and 5 essentially differs from the process known from document D1 by details related to the determination of experience values from previous search queries.

However, these details are already known from the prior art; see, for example, the corresponding passages of document D2 cited in the search report.

Consequently, a person skilled in the art would consider the details described therein regarding the determination of experience values, when addressing the stated problem, and would arrive at a process as per claim 4 or 5.

The subject matter of claims 4 and 5 therefore cannot be regarded as inventive (PCT Article 33(3)) either.

3. The allocation of system resources to the production of short data sets proportionally to the relative frequency of search queries or combination of individual elements in search queries, as described in claim 6, must be regarded as only one of several obvious possibilities from which a person skilled in the art would choose in order to solve the stated problem, according to the circumstances, without being inventive.

Consequently, claim 6 also fails to meet the requirements of PCT Article 33(3) for inventive step.

4. The examination of short data sets for their

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relevance to a search query, which constitutes the subject matter of claim 7, constitutes a well-known measure, actually the basic technology in the field of information collection from the World Wide Web by means of search engines, and therefore the inclusion of this technical feature, which forms the subject matter of claim 7, cannot be considered inventive (PCT Article 33(3)).

III. It is pointed out that the contents of document D3 should also be regarded as detrimental to the novelty (PCT Article 33(2)) of the subject matter of claims 1, 3, 8 and 10; see the passages cited in the search report.

The objections on the grounds of lack of inventive step, raised in point II above, to the subject matter of claims 2, 4-7 and 9, could also be based, *mutatis mutandis*, on the process and system described in document D3.